

REMARKS

Applicants respectfully request that the above-identified application be re-examined.

The March 8, 2007, Office Action (hereinafter "Office Action") rejected all of the claims of this application on various grounds. Claims 13, 19, and 24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as the invention and under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0054020 (hereinafter "Barth et al."). This amendment cancels Claims 13, 19, and 24. As a result, the rejection of these claims on 35 U.S.C. §§ 112 and 101 grounds will not be further discussed.

While applicants respectfully disagree with the rejection of Claims 1-12, 14-18, and 20-23 under 35 U.S.C. § 102(b), in order to advance the prosecution of this application minor clarifying amendments have been made to independent Claims 1, 14 and 20. Applicants respectfully submit that the claims are clearly allowable in view of the teachings of Barth et al.

Pursuant to 37 C.F.R. 1.111, and for the reasons set forth below, applicants respectfully request reconsideration and allowance of the pending claims. Prior to discussing in detail why applicants believe that all the claims remaining in this application are allowable, a brief description of the disclosed subject matter and brief descriptions of the teachings of the cited and applied reference, i.e., Barth et al., are provided. The following discussions of the disclosed subject matter and the cited and applied reference are not provided to define the scope or interpretation of any of the claims of this application. Instead, these discussions are provided to help the United States Patent and Trademark Office better appreciate important claim distinctions discussed thereafter.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206 682 8100

Disclosed Subject Matter

The present application discloses downloading, caching, and displaying featured content items, i.e., information items focused on a specific topic, from a dynamically updated database of featured content items. The featured content items include messages, suggestions, announcements, user tips, user instructions, etc.

In one exemplary implementation, a calling software application, **automatically and without user input**, sends a query to a dynamically updated database to obtain featured content items associated with a topic. The database returns a data set of featured content items to the calling software application and the data set is stored in a cache file. A predetermined number of featured content items stored in the cache file are selected and stored in a system registry. Upon receipt of a display command, which may occur during the boot process of the calling software application, the featured content items stored in the system registry are retrieved and displayed on an interface, **again without user input**. Hyperlinks, announcements, or other information can be displayed without inhibiting the efficiency of the boot process of a software application.

The displayed featured content items may comprise user instructions. For example, featured content items may provide users with some guidance on conducting a keyword search. A sample search string may be displayed near a text input field of a search program. When such a sample search string is obtained and stored, the search string is dynamically updated on the interface of the search program. This exemplary implementation provides a mechanism for providing new and/or popular search strings suggestions in a search program.

The featured content items may be displayed on a Web page. For example, the featured content items may be automatically retrieved, selected, and integrated into a Web page so that the underlying code of the Web page does not have to be manually updated each time featured content is modified. Keywords or other identifiers may be included in the Web page request.

When the Web page request is received by a Web server, the keywords or other identifiers are sent to a database search application in the form of a database query. The database search application obtains the query and returns a data set of featured content items. The data set is then integrated into a Web page for display of the featured content items.

An automated process for updating featured content items so that new messages of interest to users can be readily obtained and displayed is also disclosed. An update method is periodically executed. During execution, the update method updates various database attributes that characterize a popularity rating and a priority rating in each item stored in a database. The update method also examines one or more time stamps to determine if individual featured content items have expired.

By using featured content items that contain information focused on a particular topic, information can be delivered quickly to, for example, an application operating on a client computer because there is no need for searches of potentially long duration across disparate sources followed by complex filtering.

As discussed more fully below, Barth et al. fails to teach or even remotely suggest the disclosed and claimed methods downloading, caching, and displaying featured content items **without user input**.

U.S. Patent Application Publication No. 2001/0054020 (Barth et al.)

Barth et al. purportedly describes a dynamic information connection engine, wherein user actions are detected and assessed to determine if the user is searching for the information available from the engine. If the user is searching for such information, the information is extracted from third party web sites, direct supplier connections, and intermediate databases. The amount of information can be large. **In contrast to the disclosed subject matter, user interactions are necessary in order to determine if a user is requesting information from**

the information connection engine. Also in contrast to the disclosed subject matter, while Barth et al. returns a relatively large volume of information, the information does not contain featured content items, i.e., information items focused on a specific topic.

Rejection of Claims 1-12, 14-18, and 20-23 Under 35 U.S.C. § 102(b) Based on Barth et al.

Applicants submit that Barth et al. does not anticipate the claimed subject matter, i.e., downloading, caching, and displaying featured content items. In particular, applicants respectfully disagree with many of the Office Action remarks accompanying the rejection of independent Claim 1. As amended, Claim 1 reads:

1. A computer implemented method for processing featured content, the method comprising:
generating, **without user input**, a database query for featured content items, **the featured content items having information focused on a specific topic**;
receiving featured content items in response to the database query;
storing the featured content items in memory;
selecting a predetermined number of featured content items from the featured content items stored in memory;
storing the selected featured content items in a system registry; and
in response to receiving a command from a software application to display at least one featured content item, **without user input**, retrieving featured content items stored in the system registry and displaying the featured content items on a graphical user interface. (Emphasis added.)

The only portion of Barth et al. applied to the first clause of Claim 1 is para. [0195], which reads as follows:

For example, the search system could provide a "notification" feature, whereby a particular (possibly implicit) **user query** is repeatedly processed over a period of time, and the use provided **result information** only when that information meets a particular criteria. Another possibility is that the system performs both immediate data delivery as well as subsequent, non-interactive delivery. (Emphasis added.)

The "user query" of Barth et al. clearly indicates that Barth et al. requires user input. In contrast, the "database query" of Claim 1 is recited as generated without user input. The only portion of Barth et al. that applied to the last clause of Claim 1 is paragraph [0058] "... user input ..." and paragraph [0194] "... displaying the result in the client ...". As amended, the last clause of Claim 1 specifically states that retrieval and display occurs "without user input."

Clearly, the recitations of the first and last clauses of method Claim 1 are not anticipated by Barth et al. Applicants also submit that these recitations are not obvious in view of Barth et al., which is clearly user-input based, whereas Claim 1 is clearly not user-input based. Thus, applicants submit that Claim 1 is allowable.

Because Claim 1 is allowable, dependent Claims 2-12, which depend directly or indirectly from Claim 1, are also submitted to be allowable.

As amended, Claim 14 reads as follows:

14. A computer implemented method of displaying featured content items in a hypertext document, the featured content items having information focused on a specific topic, wherein the method comprises comprising:

in response to receiving a request, **without user input**, for a hypertext document containing information that describes a topic, **generating a database query** for a number of featured content items, wherein the query is configured with an identifier associated with the topic;

receiving featured content items in response to the database query;

determining if the number of received featured content items is greater than a predetermined number of featured content items; and

if the number of received featured content items is greater than the predetermined number of featured content items, formatting said hypertext document to include at least one featured content item for display, the hypertext document being formatted to display the data of the featured content item with the contents of the hypertext document. (Emphasis added.)

The remarks accompanying the rejection of independent Claim 14 in the Office Action include the following remarks:

generating a database query for a number of featured content items
"... **Queries are formulated from the user search** and transferred to
each selected supplier over a network coupling . . .," para. [0013])
(Emphasis added.)

A user search requires user input. In Barth et al., queries are formulated from a user search. Therefore, the queries require user input. In contrast, in Claim 14, generating a database query is accomplished without user input. Hence, Barth et al. does not anticipate Claim 14. Nor is Claim 14 unpatentable as claiming subject matter obvious to a person of ordinary skill in the art based on Barth et al., since Barth et al. requires user input. Therefore Claim 14 is submitted to be allowable. Dependent Claims 15-18, which depend directly or indirectly from Claim 14, are also submitted to be allowable for at least the reasons why Claim 14 is submitted to be allowable.

As amended, Claim 20 reads as follows:

20. A method for updating a database of featured content items, the featured content items having information focused on a specific topic, each featured content item of the database including an attribute that indicates if the featured content item is of interest or not of interest, the method comprising:

determining, without user input, if a featured content item has expired;

determining, without user input, if the featured content item is highly rated;

if the featured content item has expired, modifying the attribute to indicate that the featured content item is not of interest; and

if the featured content item has not expired and if the featured content item is highly rated, modifying the attribute to indicate that the featured content item is of interest. (Emphasis added.)

The remarks accompanying the rejection of independent Claim 20 in the Office Action include the following:

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206 682.8100

wherein the method comprises: determining if a featured content item has expired; determining if the featured content item is highly rated; if the featured content item has expired, ("... expire ...," para. [0112])

The relevant sentences of paragraph [0112] read in its entirety as follows:

The JavaScript that executes within the client Bar of an embodiment **starts a time-out down counter each time a user action begins a new search. . . . As search results expire**, any electronic links provided to the associated supplier over which the associated travel item or component could be reserved or purchased can be deactivated, but the system is not so limited. (Emphasis added.)

Barth et al. clearly requires user action to begin a search. User action provides user input. In contrast, Claim 20's determining if a featured content item has expired is accomplished "without user input," as is determining if featured content is highly rated. Hence, Barth et al. does not anticipate Claim 20. Nor is Claim 20 unpatentable as claiming subject matter obvious to a person of ordinary skill in the art based on Barth et al. since Barth et al. requires user input. As a result, applicants respectfully submit that Claim 20 is allowable. Dependent Claims 21-23, which depend directly or indirectly from Claim 20, are also submitted to be allowable for at least the reasons why Claim 20 is submitted to be allowable.

For all of the reasons stated above, applicants submit that Barth et al. does not anticipate the claimed subject matter. Applicants therefore request that the 35 U.S.C. § 102(b) rejection of Claims 1-12, 14-18, and 20-23 be withdrawn and the claims allowed.

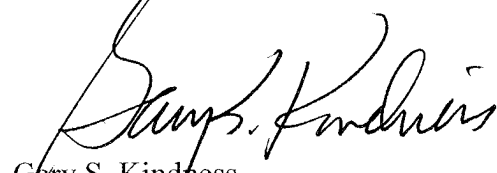
LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

CONCLUSION

In view of the above remarks, applicants respectfully submit that the present application is in condition for allowance. Reconsideration and reexamination of the application and early allowance of the claims are respectfully solicited. If the Examiner has any further questions, the Examiner is invited to contact applicants' attorney at the number set forth below.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Gary S. Kindness
Registration No. 22,178
Direct Dial No. 206.695.1702

GSK:ejh/aew

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206 682 8100